# Railroad Grade Crossing Fund
# Fiscal Year 2022

## Program Overview and Application Guide

Rail Programs Office
Indiana Department of Transportation

Updated May 2021

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## I. Authority and Purpose

The Indiana State Legislature established the Railroad Grade Crossing Fund (RRGCF) (I.C. 8-6-7.7-6.1) to provide funding for railroad-highway crossing improvement projects throughout Indiana. While the State legislation allows RRGCF monies to be used for both passive and train activated crossings, the amount of available funds effectively limits the type of improvements at crossings to passive types of improvements. Train activated improvements are generally made using federally supplied funds authorized in Section 130 of United States Code Title 23 (23 U.S.C.).

Passive grade crossings are those that utilize non train-activated warning devices. The RRGCF program management principles are designed to promote uniform application of administrative rules and procedures, assure compliance with the current Indiana Manual on Uniform Traffic Control Devices (MUTCD), obligate funds and pay valid claims promptly, and fulfill oversight duties. There is a signature block on the application page to certify the application is in compliance with the MUTCD.

The "Other Safety Improvement" (OSI) program is a component of the RRGCF and allows for additional flexibility in the types of projects that can be applied for to enhance safety at public rail-highway intersections in accordance with the Indiana MUTCD. Examples of OSI projects are described in Section II under "Eligible Projects".

The Indiana Department of Transportation (INDOT) Rail Programs Office manages the RRGCF program as a cost reimbursement grant. Local public agencies (LPAs) such as towns, cities, and counties are eligible to apply as are Class II and III railroads and Port Authorities. A local financial match for LPAs is not required for this grant program. Generally, an in-kind match through labor is supplied by the LPAs. Railroads and Port Authorities will be required to provide a 50% financial match for sight obstruction removal and grade crossing surfacing projects.

The INDOT Rail Programs Office also offers the "Crossing Closure" Program as part of the RRGCF. For Crossing Closures, communities are provided incentive funding to encourage the closure of at-grade crossings. The Crossing Closure Guidelines and Applications are posted on the INDOT Rail website at http://www.in.gov/indot/2394.htm.

This management guide explains the policies and procedures used by the INDOT Rail Programs Office to administer the RRGCF. This will assist INDOT project managers and local recipients to meet their program responsibilities.

The Rail Programs Office works in conjunction with the Office of Traffic Safety to implement rail corridor improvements. Community visits are coordinated among the INDOT district office, Rail Programs Office- Code Enforcement, and the Traffic Safety Office to encourage local public agencies to close crossings. To schedule a visit from this safety team, please contact our code enforcement officer, Richard Blanford, by email at rblanford@indot.in.gov.

After funds are obligated, applicants are informed of selections. The grant recipient list is posted to the INDOT Rail Office Webpage, as well. Once selections are finalized, there is no guarantee of additional rewards.

## II. Roles and Responsibilities

### Eligible Applicants

Eligible applicants as defined by the Indiana Code (I.C. 8-6-7.7-6.1) include units of government which include cities, counties, and towns. Class II and III railroads and port authorities are also eligible recipients.

The eligible applicant is responsible for:

- Assessing local highway-railroad crossing safety needs
- Completing and submitting project applications and certifications of compliance
- Returning signed grant agreements.

Additionally, an eligible applicant is responsible for the following reporting requirements:

- Correctly preparing and submitting the reimbursement request
- Providing INDOT with copies of project-related bills and/or invoices
- Providing quarterly reports until the project is completed

### Eligible Projects

Projects eligible for funding through the RRGCF – OSI consist of railroad crossing safety improvement projects at active and passively warned crossings including but not limited to:

### Local Public Agencies:

- Median barriers at gated crossings
- Pavement markings on asphalt roads (includes stop bars)
- Signage (advance warning, number of tracks)
- Stop signs are eligible, provided their installation follows guidelines outlined in the federal MUTCD
- Other safety improvements (50% match) measures which may include support for locally sponsored efforts to install lights, gates, or installation of gates at crossings that currently have lights
- Illumination – cost includes installation only, not continued maintenance/utility costs

### Railroads and Port Authorities:

- LED – upgrade existing incandescent bulbs to LED. The cost of the light fixture, casing and installation are eligible for reimbursement
- Signage – cross-buck assembly (includes retro-reflective tape and post); number of track signs.
  **Note: *ENS Signs are not an eligible signage project***
- Sight Obstruction Removal – in accordance with Indiana Code 8-6-7.6. Costs associated with equipment usage, rental, contractor labor, and material may be reimbursable. This project will require a 50% match by the applicant. Photos of the proposed area must be included as part of the application
- Crossing surface maintenance – Funding is limited to two crossings per fiscal year and will require a 50% contribution by the applicant.
  **Note: Internal railroad labor can only go towards the railroads proportional share of the total project cost of any project.**

## Administering Agency

INDOT is responsible for administering the RRGCF. This includes:

- Allocating funds using the criteria noted in Section VII.
- Monitoring and accounting for RRGCF expenditures.
- Providing technical assistance on the RRGCF program.

Project selection decisions will be made by the Railroad Grade Crossing Fund Committee. This committee includes the Rail Programs Office Manager – Chairperson (non-voting member), Senior Rail Planner, Code Enforcement Officer, and two other INDOT employees in rail related positions. For additional information, contact the Rail Programs Office at (317) 232-5463.

# III. RRGCF Funding Process

The RRGCF funding process is divided into the following steps which are discussed in further detail below.

- Appropriations
- Application Schedule
- Project Selection
- Grant Agreements
- Claims and Payments
- Grant close-out

## Appropriations

The Indiana State Legislature is responsible for making funding appropriations to the RRGCF program. The State Legislature typically makes appropriations every two years to the RRGCF program in conjunction with the State's biennial budget process.

## Application Schedule

| Activity | Responsible Party | Date |
|---|---|---|
| A. Solicitation Posted On Website | Rail Office | May 31, 2021 |
| B. RRGCF Application Deadline | Applicant | July 30, 2021 |
| C. Selection Meeting | Rail Office | Mid-August, 2021 |
| D. Grant Agreement Signatory Process | Applicant/Rail Office | Sept./Oct., 2021 |
| E. Notices to Proceed | Rail Office | December 2021 |
| F. Project Period | Applicant | 18-19 Month Duration |

## Project Selection

The purpose of the RRGCF program is to increase safety at railroad-highway crossings. Under this program; cities, counties, towns, class II & III railroads, and port authorities may apply for grants to fund projects. Class I railroads are not eligible.

Criteria used in the project selection include project need, the size of the governmental unit, the project type, and past history of receiving grant awards. The maximum grant given to a railroad or governmental unit for RRGCF projects is $45,000. INDOT reserves the right to line-item veto portions of applications. INDOT also reserves the right to fund, at its discretion, crossing surface projects with higher automobile and rail traffic before projects with lower volumes.

## Grant Agreements

After selecting projects to be funded, INDOT will generate a grant agreement with the recipient. Grant agreements are effective for the time period listed in the agreement. The recipient will receive a copy of the Executed Grant Agreement, Purchase Order, the Notice-to-Proceed and funding reimbursement instructions.

Grantees are required to submit quarterly progress reports until the project is completed. These reports are due by the 15th of the month following the end of the quarter, which is April 15 (January – March); July 15 (April – June); October 15 (July – September) and January 15 (October – December). The report is an email with the grant number in the subject line, and a brief project update in the body of the email. A brief project status report example might state the following: "Materials purchased; application scheduled to start in 2 weeks" or "No activity this quarter". Failure to submit required reports may result in the grant being de-obligated.

## Claims and Payments

INDOT provides each recipient written instructions for completing and submitting payment reimbursements in the award notification packet. The recipient is responsible for completing a project spending report and providing INDOT with copies of project-related bills and/or invoices.

Each grantee must have on file with the State Auditor a current direct deposit form and W-9 form. If your company banking information changes or the address where the payment should be sent changes, please submit an updated W9/direct deposit form to the Sr. Rail Planner (e-mail address: bhail@indot.in.gov. Payment *will be rejected if this information is not current.* The Rail Programs Office will notify the grant applicant if the payment is rejected.

Progressive payments will not be paid at more than 50% of total grant amount. Final payments are made after a project inspection. Grantees should notify INDOT within two weeks of completion, by email at bhail@indot.in.gov to schedule an inspection. Final payment requests **should not** be submitted without a scheduled or completed site inspection, and will be returned. Final inspections are not required for grant awards equal to or less than $3,000.00.

## Grant Close-out

Final payment should be received within 45 days of submission. Once the State Auditor zeroes out the purchase order, the grantee will receive a close-out notification from the Rail Programs Office.

## IV. Appeals

Any applicant not receiving approval of their application may appeal the selection decision to the INDOT Rail Programs Office Manager. The Manager will review all appeals. The process for filing an appeal is as follows:

1. The affected applicant must send, by certified mail, an appeal within 15 calendar days after receiving notification of INDOT's decision.

   Appeals should be mailed to:
   **Venetta Keefe, Manager, Rail Programs Office**
   **Indiana Dept. of Transportation- N758-MM**
   **100 North Senate Avenue, Room N955**
   **Indianapolis, IN 46204-2228**

2. INDOT will conduct a preliminary review within ten working days, and if necessary, request by certified mail additional information from the applicant;

3. INDOT will allow five working days for receipt of additional materials;

4. The Rail Office manager will make a final decision and notify the applicant in writing within 20 working days from the receipt of the appeal request or from the receipt of all requested additional information.

5. The applicant may appeal INDOT's final decision in accordance with Indiana Code 4-21.5-3-1, et seq.

## V. Time Extensions

Requests for time extensions for good cause should be forwarded by mail to:

**Bridgette Hail, Rail Programs Office- Sr. Rail Planner**
**Indiana Dept. of Transportation**
**100 N. Senate Ave, N758-MM**
**Indianapolis, IN 46204-2228.**

Or by email to bhail@indot.in.gov

## VI. Award De-obligation

Purchase orders will be closed and any remaining balance de-obligated after final payment. Recipients will receive a grant close-out notice once the project is closed. Also, RRGCF grant monies will be de-obligated when a project is not completed within the contract timeframe, including extensions.

## VII. Selection Process

Projects are scored using a point system, with the projects funded in highest descending point order until the funds available for the fiscal year are exhausted. Each project type will be ranked individually. Railroad and local public agency projects will be ranked together, although slightly different criteria will be used to evaluate their respective applications. After project selections are complete, INDOT will notify the successful applicants and send an agreement to sign and return. Selections will be posted on the INDOT website http://www.in.gov/indot/2394.htm. Unsuccessful applicants will be notified individually.

## VIII. Grant Monitoring

Applicants receiving a grant are required to retain material reports for two years after completion of the project. The applicant is required to provide INDOT with any and all project related reports which INDOT deems necessary to monitor the project.

INDOT may, at its discretion, conduct unscheduled site inspections. Grantees typically have 18-19 months to complete project activities; the time frame is listed in the grant agreement. The State of Indiana encourages the use of minority owned business enterprises (MBE) and women owned business enterprises (WBE) participation on state funded grants when possible.

## IX. Application Instructions

To apply for project funding from the RRGCF, an eligible applicant must submit an application electronically through the Grant Rail Projects (GRIP) system via INDOT Technical Applications Pathway (ITAP). Application instructions are available on the INDOT Rail Programs Office webpage at http://www.in.gov/indot/2394.htm.

Applications for the RRGCF are due by close of business July 31, 2020. (5 p.m. DST). The vendor price list (and photos for sight obstruction projects) must also be included. The maximum grant award available to any LPA, Railroad, or Port Authority is $45,000.

Signage and pavement marking projects must meet the specifications of the 2009 Manual on Uniform Traffic Control Devices at http://mutcd.fhwa.dot.gov/index.htm or the 2011 INDOT version at http://www.in.gov/dot/div/contracts/design/mutcd/mutcd.html. Grantees are also required to comply with the Buy America Requirement IC 5-16-8, in regards to steel products. Further “Buy America Requirement” information can be found in INDOT 2016 Standard Specifications Manual at the link below under section 106.01(c), page 62 https://www.in.gov/dot/div/contracts/standards/book/sep17/2018Master.pdf.

## X. Frequently Asked Questions about the RRGCF Program

1. **When can I start to spend money on the project?**
   *The money can be spent upon receipt of a Purchase Order, Notice-to-Proceed, and fully Executed Contract.*

2. **Who should execute (sign) the contracts?**
   *For an LPA, the highest ranking elected official or their designee; usually the City Mayor, President of the County Board of Commissioners, or Town Manager. For a Railroad - the Chief Executive Officer or their designee.*

3. **How long does it take to get a fully executed contract after the contract is submitted to the State?**
   *Approximately 8 – 10 weeks. Each grantee must receive clearance from the Department of Revenue (DOR) and the Department of Workforce Development (DWD). The Rail Office will notify the grantee if there is an outstanding issue with the DOR or DWD. It will be the grantee's responsibility to resolve the issue. If the issue is not resolved, the grant award will be withdrawn.*

4. **Can we hire a subcontractor to complete the project?**
   *Yes. The costs associated with the subcontractor are reimbursable under this grant if included in the original bid sheet.*

5. **Can project funds be used at sites with train activated warning devices?**
   *Yes. Projects can be applied for both active and passive crossing locations*.

6. **Is a local match required for LPA's? What about railroads and port authorities?**
   *A local financial match is not required for LPA's on all project types except for Other Safety Improvements, which require a 50% match. A 50% railroad / port authority match will be required for sight obstruction removal and crossing surface maintenance projects.*

7. **How will costs over the grant award amount be handled?**
   *The grantee will be responsible for any cost above the original grant award. No additional funds will be made available above the approved project budget.*

8. **How much time do I have to complete the project?**
   *Projects should be completed within the time period listed in the grant agreement – typically the grant duration is between 18 – 19 months*

**9. Who do I contact if I have questions?**

*Contact Bridgette Hail, Sr. Rail Planner, by phone at (317) 232-5463 or e-mail at bhail@indot.in.gov or Venetta Keefe, Rail Programs Office Manager, by phone at (317) 232-1474 or e-mail vkeefe@indot.in.gov.*

**10. Is there a maximum grant award?**

*Yes, the maximum grant award for the RRGCF application is $45,000 to any local public agency, railroad or port authority.*

**11. Will I receive the original contract back?**

*No, grantees sign the contract, which after fully executed, is kept by INDOT. You will receive a copy of the Executed Contract and Purchase Order.*

**12. If I do not receive a grant, can I appeal that decision?**

*Yes. The instructions for filing an appeal are on page seven (7) of this document.*

**13. What does the Buy America Requirements mean to me?**

*The Buy America Requirement (I.C.5-16-8) requires all steel products to be made in the United States, when using State or Federal Funds. If a grantee is purchasing steel materials for a state funded project, they must comply with this requirement. More information is located in the INDOT Standards Specification 2016 Manual on the INDOT website at the following link, Section 106.01(c) page 61:*
http://www.in.gov/dot/div/contracts/standards/book/sep15/2016Master.pdf